

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

L & T YACHT SALES, INC.,

Plaintiff,

v.

POST MARINE CO., INC.,

Defendant.

BOSTON DIVISION
C.A. No. 05-11682-MLW

JOINT MOTION FOR PRETRIAL AND TRIAL CONTINUANCE

Plaintiff L & T Yacht Sales ("L & T") and Defendant Post Marine Co., Inc. ("Post") hereby move that the Court continue by one week the pre-trial and trial in this matter, which are currently scheduled for February 4 and February 11, 2008, respectively. The parties propose that that the pretrial take place during the week of February 11 and that the new trial date be on or after February 19, 2008¹. As grounds, the parties state as follows:

1. L & T's counsel is scheduled to commence a multi-day day jury trial in Massachusetts Superior Court (*Waitkus Construction, Inc. v. Martin, et al*, Plymouth County Superior Court Docket No. PLCV2005-00566) on February 4, 2008. Said trial has been scheduled since May 11, 2007 and is anticipated to last 3 to 5 days. A continuance or settlement thereof appears unlikely at this time.

2. Post is registered to attend the Miami International Boat Show from February 13-18, 2008. This is one of the major national boat shows that Post attends annually and attendance at the show is critical to Post's marketing efforts. In addition, Post has already prepaid its entrance fee and its slip fees.

¹ February 18 is the Presidents Day holiday.

3. Kenneth Jensen, the President of Post, who normally represents Post at the boat show, is also scheduled to be Post's primary witness at trial. The nature of Post's business requires that the president actually attend major boat shows such as the Miami show.

Respectfully submitted

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Respectfully submitted

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CERTIFICATE OF SERVICE

I, hereby certify this 15th day of January, 2008 that I gave notice of the within Joint Motion For Pretrial and Trial Continuance via the Court's CM/ECF system which sent notification of such filing to John E. Zajac, counsel to Plaintiff.

/s/ Howard M. Brown
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